

### **REMARKS**

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment is necessary to clarify certain claim limitations and was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In the event that the Office declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicant respectfully requests that the Office inform Applicant of the same pursuant to MPEP §714.13.

By this amendment, claims 1 and 21 have been amended. Claims 1-18 and 20-22 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, is respectfully requested.

#### **Rejection under 35 U.S.C. §112**

Claims 21 and 22 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant notes the rejection of the claims. In response, Claim 21 has been amended to remove the limitation "the subject" in the last line thereof, and replace the same with "the user". Accordingly, no antecedent basis problem remains. The rejection is now believed overcome.

**Rejection under 35 U.S.C. §103**

Claims 1-18 and 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gutta et al. (WO 02/071315, hereinafter "**Gutta**") in view of Liu (US 6,553,281, hereinafter "**Liu**") and Jeong (US 6,348,928, hereinafter "**Jeong**"). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that the **Gutta**, **Liu** and **Jeong** references are defective in establishing a prima facie case of obviousness.

Independent claim 1 has been amended to more clearly define that which applicant regards as the invention. In particular, claim 1 as now presented recites, inter alia, the specific feature limitation of "a *proximity detector* provided to detect an *obstacle*, in addition to the subject, *present near the arm assembly*, wherein the *proximity detector* is interfaced with the *processor to prevent movement* of the arm assembly *while the obstacle is detected*" (emphasis added). Support for the amendments to claim 1 (as well as for claim 21) can be found in the specification at least on page 5, lines 13-16. As amended, the claimed embodiment overcomes the limitations of known systems, wherein the claimed embodiment obtains an ideal position for the device even in view of obstacles or other inherent limitations on the field of movement or view (see page 2, lines 17-25). The amendments are supported by the specification and drawings as originally filed, thus no new matter has been introduced.

Applicant submits that neither **Gutta**, **Liu** nor **Jeong** discloses, nor suggests, either alone or in combination, at least the aforementioned specific feature limitation of independent claim 1. Furthermore, the **Gutta**, **Liu** and **Jeong** patents cannot be applied to reject claim 1 under 35 U.S.C. § 103 which provides that:

*A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a*

*person having ordinary skill in the art to which the subject matter pertains ...*  
(Emphasis added)

When evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since neither **Gutta**, **Liu** nor **Jeong** teaches or suggests the aforementioned specific feature limitation as recited in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met. Thus, a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested. Claims 2-18 and 20 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof is now believed overcome.

Claim 21 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 21 is believed allowable and an early formal notice thereof is requested. Claim 22 depends from and further limits independent claim 21 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims and the prior art. Regardless of whether such

statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 1 and 21 are in condition for allowance. Claims 2-18 and 20 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 22 depends from and further limits independent claim 21 and therefore is allowable as well.

The matters identified in the Office Action of December 3, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the final action and issuance of an early formal notice of allowance of claims 1-18 and 20-22 is respectfully requested.

Respectfully submitted,

By: /Michael J. Balconi-Lamica/

Michael J. Balconi-Lamica  
Registration No. 34,291  
for Charles E. Kosinski, Reg. No. 39,254

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**Mail all correspondence to:**

Charles E. Kosinski, Esq.  
Philips Intellectual Property & Standards  
P.O. Box 3001  
Briarcliff Manor, New York 10510-8001, USA  
Telephone: (724) 387-3746  
email: [charles.kosinski@philips.com](mailto:charles.kosinski@philips.com)  
Facsimile: 914-332-0615

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